

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

WILLIAM WAYNE LAUBE, #01838241

VS.

DIRECTOR, TDCJ-CID

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CIVIL ACTION NO. 4:16cv313

ORDER OF DISMISSAL

Petitioner William Wayne Laube, an inmate confined in the Texas prison system, proceeding *pro se*, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition was referred to United States Magistrate Judge Kimberly C. Priest Johnson, who issued a Report and Recommendation (Dkt. #21) concluding that it should be denied. Laube has filed a Motion for Reconsideration (Dkt. #23) and Notice of Appeal (Dkt. #24), which collectively are construed as objections.

Laube is in custody pursuant to Collin County convictions for indecency with a child by contact and indecency with a child by exposure. On January 25, 2013, after a jury trial, he was sentenced to twenty years of imprisonment for indecency with a child by contact and ten years of imprisonment for indecency with a child by exposure, with the sentences running concurrently. The convictions were affirmed. *Laube v. State*, No. 05-13-00242-CR, 2014 WL 2993823 (Tex. App. - Dallas June 30, 2014, no pet.).

In the present petition, Laube argues that he is entitled to relief based on ineffective assistance of counsel at trial and on appeal. The Magistrate Judge carefully reviewed each claim and correctly explained why they lack merit.

In his objections, Laube claims there has been a fundamental miscarriage of justice, that his conviction was fundamentally unfair, and that he was convicted in violation of the Fourteenth

Amendment. He also repeats his claim that counsel was ineffective. Laube, however, has offered nothing other than conclusory allegations and bald assertions, which are insufficient to support a petition for a writ of habeas corpus. *See Miller v. Johnson*, 200 F.3d 274, 282 (5th Cir. 2000); *Koch v. Puckett*, 907 F.2d 524, 530 (5th Cir. 1990); *Ross v. Estelle*, 694 F.2d 1008, 1011 (5th Cir. 1983). He further complains that he was not provided a copy of the state court records, but the Director correctly explained that he was not entitled to a copy of the records. *Sixta v. Thaler*, 615 F.3d 569, 573 (5th Cir. 2010). Finally, he asks for a certificate of appealability, but he has not shown that a certificate of appealability is warranted in this case.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Laube to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and Laube's objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

Accordingly, it is **ORDERED** that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. All motions not previously ruled on are hereby **DENIED**.

SIGNED this 26th day of July, 2019.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE